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Message Text

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ACTION PPT-01

INFO OCT-01 ARA-06 ISO-00 DHA-02 L-03 H-02 SY-05 FBIE-00

SCA-01 SNM-02 DEAE-00 /023 W
---------- 044884
R 162000Z JUL 76
FM AMCONSUL BELIZE
TO SECSTATE WASHDC 5114
INFO AMEMBASSY GUATEMALA
AMEMBASSY MEXICO

C O N F I D E N T I A L BELIZE 0636

GUATEMALA AND MEXICO FOR DEA

E.O. 11652: GDS
TAGS: SNAR BH
SUBJECT: DEPORTATION OF AMCITS BEN DARDEN AND WILLIE TRAPP

REF: BELIZE 0631

1. SUMMARY: THE DEPORTATION OF AMCITS WILLIE TRAPP AND BEN DARDEN WAS REPORTED IN REFTEL. DETAILS OF THE INCIDENT INCLUDING SPECIFICS OF THE DENIAL OF CONSULAR AND LEGAL ACCESS AND ACTIONS BY POST FOLLOW. THE DOSSIER OF LETTERS AND TAPES DARDEN SAYS HE IS NOW COMPILING IN MIAMI COULD IMPLICATE ROGERS AND OTHR HIGH GOB OFFICIALS WITH POSSIBLY EXPLOSIVE POLITICAL EFFECT IF DARDEN CARRIES OUT HIS PLAN TO INITIATE A CIVIL DAMAGE SUIT THROUGH HIS BELIZE ATTORNEY. END SUMMARY

2. DARDEN/TRAPP STATEMENT TO CONSULAR OFFICER - ACCORDING TO DARDEN AND TRAPP, SEVERAL POLICEMEN LED BY INSPECTOR GILLETT TOOK THEM INTO CUSTODY ABOUT 12:30 PM JULY 10 WITHOUT GIVING A REASON AND FORCED THEM TO PACK ONE SUITCASE EACH. THEY WERE TAKEN TO NEWTOWN BARRACKS, WHERE THEY MET ASST SUPT OF POLICE (A.S.P.) MARSHALL, A.S.P. FRANKLIN, AND COMMISSIONER WILLOUGHBY, WHO TOLD THE OFFICERS TO "PROCEED AS PLANNED." THEY WERE THEN TAKEN TO THE ONE-ROOM LADYVILLE POLICE STATION, WHERE THEY WERE HELD INCOMMUNICADO UNTIL ABOUT 5:30 PM, WHEN
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THEY WERE TAKEN DIRECTLY TO THE AIRPORT APRON AND PLACED ON

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TAN FLIGHT 776 FOR MIAMI.

3. DENIAL OF CONSULAR ACCESS - DARDEN AND TRAPP SAID THE POLICE "LAUGHED AT" THEIR REPEATED REQUESTS TO TELEPHONE OR OTHERWISE CONTACT THE US CONSULATE OR THEIR ATTORNEY, AND IGNORED THEIR ASSERTION THAT UNDER THE TERMS OF THEIR EXPULSION ORDER, THE POLICE HAD NO RIGHT TO HOLD OR DEPORT THEM.

4. DARDEN/TRAPP STATEMENT CONFIRMED BY POLICEMEN - SEVERAL POLICE OFFICERS DIRECTLY INVOLVED IN THE INCIDENT HAVE CONFIRMED THE DETAILS OF DARDEN AND TRAPP'S ACCOUNT IN PARAS 2 AND 3. ALL HAVE INDICATED TO ME THAT THEY WERE ACTING UNDER THE DIRECT ORDERS OF COMMISSIONER WILLOUGHBY.

5. CONGEN ATTEMPTS TO CONTACT SUBJECT - CONGEN WAS INFORMED ABOUT 1:00 PM BY AMCIT JIM WEEDEN, A FRIEND OF DARDEN AND TRAPP WHO HAD BEEN PRESENT AT THE ARREST. DESPITE LITERALLY DOZENS OF CALLS THROUGHOUT THE AFTERNOON, POLICE OFFICIALS HIGHER THAN SERGEANT WERE "UNAVAILABLE." POLICE DUTY OFFICERS DENIED KNOWLEDGE OF EITHER THE ARREST OR SUBJECTS' WHEREABOUTS UNTIL 2:30 PM, WHEN POLICE MISINFORMED KEN OLDFIELD, THE GOVERNOR'S ASSISTANT, THAT SUBJECTS HAD BEEN TAKEN TO BURRELL BOOM. CONGEN CONTACTED DEAN BARROW, SUBJECTS' ATTORNEY, WHO PREPARED POWER OF ATTORNEY DOCUMENTS FOR DARDEN AND TRAPP IN THE EVENT THEY WERE BEING DEPORTED.

6. AIRPORT ROUNDEVOUS - AT 4:00 PM, CONOFF WENT TO THE AIRPORT TO MEET THE ONLY FLIGHT OF THE AFTERNOON FOR THE US, TAN 776 AT 4:20. AT THE AIRPORT, CONOFF MET A.S.P. FRANKLIN, WHO INITIALLY DENIED KNOWLEDGE OF SUBJECTS' ARREST OR WHEREABOUTS, BUT LATER CONFIRMED HIS INVOLVEMENT UNDER ORDERS, AT 4:15, BARROW INDICATED HE SAW WILLOUGHBY AND MARSHALL LEAVE THE BELIZE CITY POLICE STATION, AND AT 4:30, POLICE AGAIN MISINFORMED KEN OLDFIELD THAT SUBJECTS HAD BEEN ARRESTED AND WERE ON THEIR WAY TO THE BELIZE CITY POLICE STATION. THE PLANE ARRIVED AT 5:30, AT WHICH TIME FRANKLIN LEFT, ONLY TO REAPPEAR 10 MINUTES LATER ON THE AIRPORT APRON IN A POLICE LAND ROVER WITH GILLETT, DARDEN, TRAPP, AND 3 OTHER POLICEMENT. CONOFF WAS ABLE TO TAKE THEIR STATEMENTS ON THE PLANE JUST BEFORE DEPARTURE.

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7. IMMEDIATE COMPLAINT TO GOVERNOR - SHORTLY AFTER SUBJECTS' DEPARTURE, CONOFF ADVISED THE GOVERNOR BY TELEPHONE OF CONGEN'S CONCERN OVER SERIOUS AND APPARENTLY DELIBERATE DENIAL OF RIGHTS GUARANTEED BY CONSULAR CONVENTION AND LOCAL LAW, WHICH H.E. PROMISED TO LOOK INTO. WILLOUGHBY TELEPHONED MONDAY, JULY 12, AND APOLOGIZED FOR THE "OVERSIGHT" OF HIS MEN WHO "DID NOT FOLLOW THEIR INSTRUCTIONS IN HANDLING THE CASE." THE GOVERNOR LATER ASSURED ME THAT WILLOUGHBY UNDERSTOOD HE WAS

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WRONG AND THAT THE APOLOGY WAS "HIS WAY OF MAKING IT RIGHT".
HE SAID HE DOUBTED IT WOULD EVER HAPPEN AGAIN.

8. FOLLOW-UP - K. C. DUNN SEEMS TO BE HANDLING SUBJECTS'
PROPERTY AND BUSINESS INTERESTS HERE ADEQUATELY UNDER THE POWER
OF ATTORNEY DOCUMENTS SIGNED BY SUBJECTS AT THE AIRPORT. I
HAVE WRITTEN TO H. E. LISTING OUR CONCERNS OVER THE INCIDENT:
DENIAL OF CONSULAR AND LEGAL ACCESS AND THE ARREST, DETENTION,
AND DEPORTATION OF US CITIZENS WITHOUT PROPER LEGAL AUTHORITY.
IT SEEMED APPROPRIATE TO PUT OUR CONCERNS IN WRITING, SINCE
SIMILAR DENIALS OF CONSULAR ACCESS HAVE OCCURRED BEFORE AND
SINCE WILLOUGHBY'S RESPONSE WAS SOMETHING LESS THAN SATISFAC-
TORY. HIS CLAIM THAT HE WAS "OUT OF TOWN" AND "HAD NO
KNOWLEDGE" OF THE DENIAL OF RIGHTS SOUNDS FOLLOW IN LIGHT OF
PARAS 2, AND 4, AND 6. IT SEEMS VERY CLEAR THAT HE DIRECTED
THE OPERATION, INCLUDING THE POLICE MISINFORMATION, FROM THE
START.

9. POLICE PROBLEMS LIKELY TO CONTINUE - AT THE GOVERNOR'S
SUGGESTION, I HAVE ACCEPTED WILLOUGHBY'S "APOLOGY" AS AN
INDICATION THAT WILLOUGHBY WILL SEE THAT IT DOES NOT HAPPEN
AGAIN, BUT PRIVATELY I HAVE EVERY REASON TO BELIEVE THAT
WILLOUGHBY WILL CONTINUE TO IGNORE CONSULAR AND LEGAL NICITIES
WHEN SO INSTRUCTED BY HIS BOSS, C.L.B. ROGERS.

10. DARDEN SAYS HE HAS SOLID EVIDENCE OF GOB CORRUPTION -
DARDEN HAS TOLD CONGEN THAT HE IS ASSEMBLING A PORTFOLIO OF
EVIDENCE, INCLUDING LETTERS AND TAPES, THAT HE SAYS WILL PROVE
BEYOND ANY DOUBT THAT HE WAS SUBJECT TO DEMANDS FOR LARGE
BRIBES AND PROTECTION PAYMENTS FROM SEVERAL HIGH LEVEL BOG
POLITICIANS, PRINCIPALLY ROGERS, WHO SIGNED THE EXPULSION
ORDERS. WE HAVE ASKED DARDEN TO CONTACT THE BELIZE DESK
ASAP ABOUT THIS MATERIAL, WHICH COULD WELL HAVE EXPLOSIVE
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POLITICAL EFFECT IF DARDEN CARIES OUT HIS PLAN FOR CIVIL
LEGAL ACTION AGAINST ROGERS THROUGH ATTORNEY BARROW, WHO IS
DEAN LINDO'S NEPHEW AND LAW PARTNER.

11. DEPT MAY WISH TO CONSIDER ALERTING HMG OF THE SUBSTANCE OF
DARDEN'S CHARGES ALTHOUGH DARDEN WOULD, OF COURSE, BE ACTING
AS AN AGGRIEVED PRIVATE CITIZEN. ALSO WORTHY OF CONSIDERATION IS
THE POSSIBILITY THAT THE EVIDENCE MIGHT BE STRONG ENOUGH TO LEAD
TO A DIMINUTION IN ROGER'S CONTROL OVER THE POLICE. SUCH AN
EVENT MIGHT MAKE NARCOTICS TRANSSHIPMENT LESSSECURE HERE, BUT IT
SEEMS LIKELY THAT ANY FORSEEABLE REPLACEMENT FOR ROGERS (POSSIBLY
SHOMAN OR MUSA) WOULD ALSO CHOOSE TO PROFIT FROM THE TRADE RATHER
THAN RESTRICT IT.
PIERCE

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